

108TH CONGRESS  
2D SESSION

# S. 2552

To provide environmental assistance to non-Federal interests in the State  
of North Dakota.

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IN THE SENATE OF THE UNITED STATES

JUNE 21, 2004

Mr. CONRAD introduced the following bill; which was read twice and referred  
to the Committee on Environment and Public Works

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## A BILL

To provide environmental assistance to non-Federal interests  
in the State of North Dakota.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Water Infrastructure  
5       Revitalization Act”.

6       **SEC. 2. DEFINITIONS.**

7       In this Act:

8               (1) SECRETARY.—The term “Secretary” means  
9       the Secretary of the Army, acting through the Chief  
10       of Engineers.

1           (2) STATE.—The term “State” means the State  
2       of North Dakota.

3   **SEC. 3. PROGRAM.**

4       (a) ESTABLISHMENT.—The Secretary shall establish  
5   a program to provide environmental assistance to non-  
6   Federal interests in the State.

7       (b) FORM OF ASSISTANCE.—Assistance under this  
8   Act may be provided in the form of design and construc-  
9   tion assistance for water-related environmental infrastruc-  
10   ture and resource protection and development projects in  
11   the State, including projects for—

- 12           (1) wastewater treatment and related facilities;  
13           (2) water supply and related facilities;  
14           (3) environmental restoration; and  
15           (4) surface water resource protection and devel-  
16   opment.

17       (c) PUBLIC OWNERSHIP REQUIREMENT.—The Sec-  
18   retary may provide assistance for a project under this sec-  
19   tion only if the project is publicly owned.

20       (d) LOCAL COOPERATION AGREEMENT.—

21           (1) IN GENERAL.—Before providing assistance  
22   under this section, the Secretary shall enter into a  
23   local cooperation agreement with a non-Federal in-  
24   terest to provide for design and construction of the  
25   project to be carried out with the assistance.

1           (2) REQUIREMENTS.—Each local cooperation  
2 agreement entered into under this subsection shall  
3 provide for the following:

4           (A) PLAN.—Development by the Secretary,  
5 in consultation and coordination with appro-  
6 priate Federal, State, and tribal officials and  
7 organizations recognized under State law that  
8 are involved in Federal water programs, of a fa-  
9 cilities or resource protection and development  
10 plan, including appropriate engineering plans  
11 and specifications.

12           (B) LEGAL AND INSTITUTIONAL STRUC-  
13 TURES.—Establishment of such legal and insti-  
14 tutional structures as are necessary to ensure  
15 the effective long-term operation of the project  
16 by the non-Federal interest.

17           (3) COST SHARING.—

18           (A) IN GENERAL.—The Federal share of  
19 project costs under each local cooperation  
20 agreement entered into under this subsection—

21                   (i) shall be 75 percent; and

22                   (ii) may be in the form of grants or  
23 reimbursements of project costs.

24           (B) CREDIT FOR DESIGN WORK.—The  
25 non-Federal interest shall receive credit, not to

1 exceed 6 percent of the total construction costs  
2 of a project, for the reasonable costs of design  
3 work completed by the non-Federal interest be-  
4 fore entering into a local cooperation agreement  
5 with the Secretary for the project.

6 (C) CREDIT FOR INTEREST.—In case of a  
7 delay in the funding of the Federal share of the  
8 costs of a project that is the subject of an  
9 agreement under this section, the non-Federal  
10 interest shall receive credit for reasonable inter-  
11 est incurred in providing the Federal share of  
12 the costs of the project.

13 (D) LAND, EASEMENTS, AND RIGHTS-OF-  
14 WAY CREDIT.—The non-Federal interest shall  
15 receive credit for land, easements, rights-of-  
16 way, and relocations toward the non-Federal  
17 share of project costs (including all reasonable  
18 costs associated with obtaining permits nec-  
19 essary for the construction, operation, and  
20 maintenance of the project on publicly owned or  
21 controlled land), but not to exceed 25 percent  
22 of total project costs.

23 (E) CONSIDERATION OF WATER RATE IM-  
24 PACTS FOR LOCAL COST SHARE.—

1 (i) IN GENERAL.—The non-Federal  
2 share of the cost of constructing a project  
3 under this Act shall be reduced, using the  
4 national affordability criteria for water  
5 rate percentages relating to State average  
6 medium household income developed by the  
7 Environmental Protection Agency, by 5  
8 percent for each ½ percent by which the  
9 rate for affordability relating to the project  
10 area exceeds the average State-wide rate  
11 for affordability.

12 (ii) MULTICOUNTY PROJECTS.—With  
13 respect to a multicounty project under this  
14 Act, the average of all affordability rates  
15 applicable in the area covered by the  
16 project shall be used for the purpose of es-  
17 tablishing the local share of the costs of  
18 the project.

19 (F) OPERATION AND MAINTENANCE.—The  
20 non-Federal share of operation and mainte-  
21 nance costs for projects constructed with assist-  
22 ance provided under this section shall be 100  
23 percent.

24 (e) APPLICABILITY OF OTHER FEDERAL AND STATE  
25 LAWS.—Nothing in this section waives, limits, or other-

1 wise affects the applicability of any provision of Federal  
2 or State law that would otherwise apply to a project to  
3 be carried out with assistance provided under this section.

4 (f) AUTHORIZATION OF APPROPRIATIONS.—There is  
5 authorized to be appropriated to carry out this section  
6 \$60,000,000 for the period beginning with fiscal year  
7 2005, to remain available until expended.

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